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In re Application of:
Kevin Scott Ramey
Application No.: 09/181,823
Filed: October 29, 1998
For: COMMUNICATION NETWORK
UTILIZING AUTONOMOUS SERVERS
TO ESTABLISH A COMMUNICATION
SESSION

} **DECISION ON PETITION TO
WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the petition filed September 22, 2003, which is being treated as a petition to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

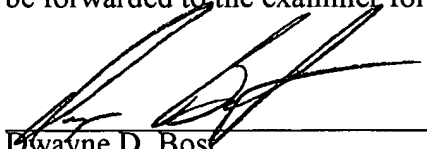
This application became abandoned for failure to timely reply to a non-final Office action mailed on August 27, 2002. A Notice of Abandonment was mailed June 16, 2003.

Petitioner alleges to have timely filed a proper response to the non-final Office action mailed on August 27, 2002. In support thereof, petitioner provided as evidence, a copy of a request for CPA, a certificate of express mailing along with a photocopy of the Express Mail receipt, a copy of a preliminary remarks filed with the request, a photocopy of payment submitted, and a photocopy of the post card receipt which itemizes the aforementioned items and date stamped as received in the USPTO on November 26, 2002.

The original request for CPA, acknowledged as having been received in the USPTO on November 26, 2002, is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "A post card receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO." Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file. Furthermore, according to the Office's Revenue Accounting and Management software, the original CPA filing fee was received and processed on November 26, 2002.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application will be forwarded to Technology Center's technical support staff for processing the copy of the CPA request which accompanied the instant petition. From there, the file will be forwarded to the examiner for appropriate action in due course.


Wayne D. Bost
Special Program Examiner
Technology Center 2600
Communications